

Members

Rep. Markt Lytle, Chair
Rep. Dale Sturtz
Rep. Richard Mangus
Rep. Phyllis Pond
Sen. Greg Server
Sen. Harold Wheeler
Sen. Allie Craycraft
Sen. James Lewis



NATURAL RESOURCES STUDY COMMITTEE

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Authority: IC 2-5-5

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MEETING MINUTES¹

Meeting Date: October 19, 1999
Meeting Time: 10:30 P.M.
Meeting Place: Russell Bellar Farm
Meeting City: Peru, Indiana
Meeting Number: 5

Members Present: Rep. Markt Lytle, Chair; Rep. Richard Mangus; Rep. Phyllis Pond; Sen. Harold Wheeler.

Members Absent: Rep. Dale Sturtz; Sen. Greg Server; Sen. Allie Craycraft; Sen. James Lewis.

Call to Order. Rep. Lytle, Chair of the Natural Resources Study Committee, called the meeting to order. After an introduction of the Committee members, the Chair introduced Rep. William Friend and Rep. Ron Herrell who were also in attendance. The Chair introduced the first topic which concerned the regulation of shooting preserves.

Shooting Preserves. The staff for the committee distributed a copy of the statute governing shooting preserves. An individual must obtain a license in order to establish a shooting preserve. The shooting preserve must be located on a contiguous tract of land of at least 100 and not more than 640 acres. The shooting preserve may propagate and offer for hunting the following animals: pheasant, quail, chukar, partridges, and properly marked mallard ducks, and other species that the Department of Natural Resources (DNR) determines by rule. The DNR has not authorized any other species by rule.

Russell Bellar, owner of a hunting preserve, indicated that he would like to see the law on shooting preserves amended to indicate that the maximum acreage for a shooting preserve is 1,000, and that white tail deer are added to the list of animals that can be hunted on a shooting preserve.

Jim Mock, a resident, supported the including white tail deer in the list of animals that could be hunted on a shooting preserve. Currently many property owners lease their land to hunters for hunting purposes. The leasing of the land prohibits some hunters from hunting where they are

¹Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

used to hunting. He noted that on a shooting preserve, deer would be released into a wild environment and that the practice of shooting a deer in a preserve is not "canned" hunting. Some are opposed to allowing white tail deer on a shooting preserve for fear of spreading disease. Michigan is having a problem with bovine tuberculosis in their deer herds due to baiting. However, Indiana does not allow baiting.

Mr. Mock indicated that he always feels some regret when he kills a beautiful creature such as a deer, but he feels the same way about a cow. He is sorry to kill. However, he never shoots anything that he does not eat. He does not use a bow and arrow because he can not kill a deer with a bow and arrow. It has been his experience that a bow and arrow only wounds the deer.

Jeannette Adams, attorney for the committee, explained that the language in the Indiana Code indicates that "to hunt" is "to take wildlife" and that "to shoot" is one of several methods by which a person may "take wildlife." This interpretation accords with both common sense and standard English usage. There is no legal reason why the name of the current "shooting preserves" can not be changed to "hunting preserves," if this were the will of the Committee.

Susan Thurston, owner of a hunting preserve in Owen County, indicated that hunters want to hunt quality deer. They might pay \$7,500 to \$10,000 to shoot a buck. In the wild, hunters in Indiana are unable to hunt a buck with trophy antlers because they no longer grow to maturity in the wild. With respect to current law, Ms. Thurston indicated that placing a maximum acreage on a preserve is not a good idea. The maximum acreage should be left up to the owner of the preserve. The law, however, should specify a minimum number of acres. With respect to deer escaping from the preserve which could result in the spread of disease or the introduction of genetics not currently in the wild, Ms. Thurston indicated that the deer on the preserve are valuable and that owners will fence the property to contain the deer. Also, the deer are not inclined to escape because they are fed on the preserve. Additionally, on a preserve, the health of the deer is maintained. The deer are purchased from out of state.

Colonel Larry Allen, Director of Law Enforcement, DNR, speculated that the maximum acreage for a preserve was initially set at 640 acres because this was the size of a section of land. Roads would typically cross sections larger than 640 acres and shooting from or across a public road is prohibited. Also, the preserve must be fenced and fences could not be placed over roads.

The potential for the spread of disease is the DNR's primary concern. When deer are fed or are baited in confined areas, the conditions are ripe for the spread of disease. The disease is typically spread through saliva and when deer eat in close proximity, the saliva, which can be contaminated, can be passed from deer to deer. In the wild, deer do not eat in confined areas, but spread out.

In addition to tuberculosis and other diseases, deer may also suffer from Blue Tongue Disease, which is spread by a small fly, and Chronic Wasting Disease (CWD). Col. Allen stressed that there is no way to determine if a deer has CWD until the deer is dead and a microscopic section of its brain is analyzed. Therefore, deer with CWD could be imported into the state without the purchaser knowing because the purchaser could not test the deer for CWD without killing it.

The DNR is also concerned about genetics. Owners of hunting preserves may wish to breed for deer with large antlers. However, the genetics needed to produce a deer with large antlers may not be the genetics needed to produce a deer healthy enough to resist disease in the wild. The DNR is concerned about the genetics that the deer need in order to survive in the wild and resist disease. Owners of preserves can not guarantee that their deer will never be released into the wild. Diseased animals on a preserve can be eradicated, but it could be impossible to

stop the disease in the wild. An eight-foot fence is not high enough to contain all deer.

With respect to deer farms, approximately 133 deer farms exist in Indiana. There is no limit to the number of deer that can be contained on a deer farm. Although there has been no known spread of disease from deer farms to the wild, the situation needs constant monitoring.

Todd Carroll, a deer and elk farmer, noted that deer are quarantined when they initially arrive at his farm. The deer on his farm are healthier than the deer in the wild. A hunting license is not required to hunt on a preserve in Michigan. The owner of the preserve buys transport tags in lieu of the hunters purchasing licenses.

Rep. Lytle asked for some clarification at the next meeting on when a property owner can kill animals on his or her own land, particularly if the owner is a licensed game breeder.

Dick Mercier, Indiana Sportsmen's Roundtable, representing over 50,000 hunters, indicated that the majority of his organization is opposed to allowing the hunting of white tail deer on shooting preserves. However, if the law were amended, the amendment should include a minimum acreage of 1,000 as well as an eight-foot fence. Existing law requires just a single barbed wire fence. He stressed that the current law is designed for hunting birds and does not fit the hunting of deer. However, even if the above changes were made, the spread of disease would remain a concern.

Phil Ohmit, Hoosier Conservation Alliance, opposed the hunting of white tail deer in shooting preserves on ethical grounds. He stressed that the deer are semi-tame and that the practice on smaller preserves amounts to a canned hunt. The deer can be tame because they are raised like cattle. Deer on a preserve are fed, and the feeders would have to be removed. Feeding the deer from the feeders would be baiting. Enforcing the law could become a law enforcement nightmare. He also was concerned about culling of the herd. Allowing the hunting of deer in preserves will feed the anti-hunting movement. He is also concerned about the spread of disease.

Paula Yeager, Indiana Wildlife Federation, opposed the hunting of white tail deer in shooting preserves for the following reasons. First, the spread of disease is a concern. The spread of Chronic Wasting Disease (CWD) has been a problem in western states. There is currently no test for CWD. Bovine tuberculosis has also been a problem. Secondly, the introduction of exotic genes into the wild herd could change the behavior of the animals. She cited examples of elk mixing with red deer. Third, hunting preserves would allow for illegal and unethical behavior because of the amount of money that can be involved in hunting the animals. The DNR does not have enough conservation officers to police the practice. The state would be employing conservation officers and using public moneys for the benefit of private business (Exhibits 1 and 2). She also presented a statement from the Hoosier Environmental Council that opposed the inclusion of white tail deer in the list of animals that could be hunted on a shooting preserve (Exhibit 3).

Joe Herrell, a resident, suggested that the committee write a new law for deer as opposed to attempting to amend the current law regulating shooting preserves. He noted that hunting preserves contribute financially to the community.

Craig Atkins, a resident, indicated that preserves provide excellent educational opportunities for students as well as hunting opportunities for individuals with disabilities.

Local Regulation of Falconry and Trapping. Mr. Mercier provided two drafts that would prohibit local ordinances from regulating the ownership, possession, sale, transfer, or transportation of a raptor as long as the state meets federal falconry standards (Exhibit 4). His

second proposal would prohibit local ordinances from regulating the trapping of wild animals (Exhibit 5).

Adjournment. Rep. Lytle adjourned the meeting at approximately 4:00 p.m.